



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA FACSIMILE (202-654-9686) AND FIRST CLASS MAIL**

Rebecca H. Gordon, Esq.  
Perkins Coie, LLC  
700 13<sup>th</sup> Street, NW, Suite 600  
Washington, DC 20005

**APR 30 2012**

RE: MUR 6524  
Biden for President, Inc.  
and Melvyn Monzack, in his official  
capacity as Treasurer

Dear Ms. Gordon

On, April 26, 2012, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 11 C.F.R. § 110.1(1)(4)(ii) of the Commission's regulations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me or Jin Lee, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Mark D. Shonkwiler  
Assistant General Counsel

Enclosure  
Conciliation Agreement

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MUR 6524

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Biden for President, Inc. )  
Melvyn Monzack, in his official capacity )  
as Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe that Biden for President, Inc. and Melvyn Monzack, in his official capacity as Treasurer (collectively "Respondents"), violated 11 C.F.R.

§ 110.1(l)(4)(ii).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

BACKGROUND

1. Respondents are Biden for President, Inc. (the "Committee") and Melvyn Monzack, in his official capacity as Treasurer. The Committee was Joseph Biden's principal campaign committee for the 2008 Democratic nomination for President.

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- 1           2. Pursuant to 26 U.S.C. § 9038(a), the Commission conducted an audit of the  
2           Committee. The audit covered the period from December 15, 2006 through April 30,  
3           2008.

4                   **FAILURE TO MAINTAIN RECORDS SUPPORTING THE RESOLUTION**  
5                   **OF EXCESSIVE CONTRIBUTIONS**  
6

- 7           3. During the relevant time period, the Federal Election Campaign Act of 1971, as  
8           amended, prohibited persons from making contributions to a candidate for federal  
9           office or the candidate's authorized political committee that in the aggregate  
10          exceeded \$2,300. 2 U.S.C. § 441a(a)(1)(A).  
11          4. No candidate or political committee shall knowingly accept any contributions that  
12          exceed the limits established by 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).  
13          5. A committee may presumptively redesignate the excessive portion of a contribution  
14          to another election, but the committee must, within 60 days of receipt of the  
15          contribution, notify the contributor of the amount of the contribution that was  
16          redesignated and the option to request a refund. 11 C.F.R. § 110.1(b)(5)(ii)(B)  
17          and (C).  
18          6. If a committee chooses to rely on a presumptive redesignation, the treasurer must  
19          retain a full-size photocopy of the check or written instrument, of any signed writings  
20          that accompanied the contribution, and of the notices sent to the contributors.  
21          11 C.F.R. § 110.1(l)(4)(ii).  
22          7. The treasurer of a committee must maintain documents concerning redesignations for  
23          a period of three years. 11 C.F.R. § 102.9(c) and (f).  
24          8. The audit identified a projected total of \$1,092,899 in contributions requiring  
25          redesignation.

- 1           9. During the course of the audit process, the Committee showed that it had a practice of  
2           sending timely presumptive redesignation letters, including declarations from four  
3           contributors who recalled receiving designation letters; a declaration from a  
4           Committee staffer who attested to sending redesignation letters; and a complete  
5           library of compliance letters. The staff member, who was responsible for sending out  
6           compliance letters and had specific recollection that the presumptive redesignation  
7           letters had been timely sent, was now deceased.
- 8           10. Based on the information provided by the Committee and the unique circumstances  
9           presented in this matter, the Commission found sufficient evidence to demonstrate  
10          that the Committee timely obtained presumptive redesignations from contributors as  
11          required by 11 C.F.R. § 110.1(b)(5). The Committee, however, was unable to locate  
12          the redesignations as required by 11 C.F.R. §110.1(l)(4)(ii).
- 13          11. The Committee has no cash on hand and does not anticipate accepting any more  
14          contributions. It is prepared to terminate but needs to resolve this outstanding issue  
15          before it can do so.
- 16          V. In the interest of resolving this matter, Respondents are prepared to enter into a conciliation  
17          agreement in which they concede that they violated 11 C.F.R. § 110.1(l)(4)(ii).
- 18          VI. Respondents will take the following actions:  
19               1. Respondents will pay a civil penalty to the Federal Election Commission in the  
20               amount of fifty thousand dollars (\$50,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).  
21               2. Respondents will cease and desist from violating 11 C.F.R. § 110.1(l)(4)(ii).
- 22          VII. The Commission, on request of anyone filing a complaint under 2 U.S.C § 437g(a)(1)  
23          concerning the matters at issue herein or on its own motion, may review compliance with this  
24          agreement. If the Commission believes that this agreement or any requirement thereof has

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1        been violated, it may institute a civil action for relief in the United States District Court for  
2        the District of Columbia.

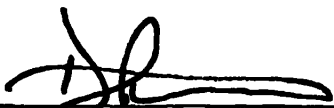
3 VIII. This agreement shall become effective as of the date that all parties hereto have executed  
4        same and the Commission has approved the entire agreement.

5 IX. Except as otherwise provided, Respondents shall have no more than 30 days from the date  
6        this agreement becomes effective to comply with and implement the requirements contained  
7        in this agreement and to so notify the Commission.

8 X. This Conciliation Agreement constitutes the entire agreement between the parties on the  
9        matters raised herein, and no other statement, promise, or agreement, either written or oral,  
10       made by either party or by agents of either party, that is not contained in this written  
11       agreement shall be enforceable.

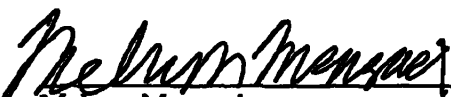
12 FOR THE COMMISSION:

13 Anthony Herman  
14 General Counsel  
15

16 BY:   
17 Daniel A. Petalas  
18 Associate General Counsel  
19 For Enforcement  
20

4/27/12  
Date

21 FOR THE RESPONDENTS:

22  
23   
24 Melvyn Monzack  
25 Treasurer  
26 Biden for President, Inc.  
27

4/10/12  
Date

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